UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/51
11 March 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Agenda item 10 of the provisional agenda

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Report of the open-ended working group on structural adjustment programmes and economic, social and cultural rights on its second session

(Geneva, 1-3 March 1999)

Chairperson-Rapporteur: Ms. Lilia Bautista (Philippines)

GE.99-11381 (E)

Introduction

1. The second session of the open-ended working group on structural adjustment programmes and economic, social and cultural rights was held at th Palais des Nations, Geneva, from 1 to 3 March 1999, pursuant to Commission decision 1998/102. The session was opened by a representative of the High Commissioner for Human Rights. The working group held three plenary meetings during the session.

2. The working group consisted of the following representatives of States members of the Commission on Human Rights: China, Colombia, Cuba, El Salvador, France, Germany, Guatemala, India, Italy, Mexico, Pakistan, Philippines, Poland, Rwanda, Sudan and Venezuela.

3. The following observers from other States Members and non-members of th United Nations attended the session: Australia, Brazil, Iran (Islamic Republic of), Malaysia and the Holy See.

4. The following United Nations bodies and specialized agencies were also represented: Office of the United Nations High Commissioner for Refugees (UNHCR), United Nations Non-Governmental Liaison Service (UN/NGLS), and United Nations Educational, Scientific and Cultural Organization (UNESCO).

5. Representatives of the following non-governmental organizations attende the session: American Association of Jurists, Centre Europe-Tiers Monde, Indian Movement "Tupaj Amaro", International Commission of Jurists, International Movement of Apostolate in the Independent Social Milieus (MIAMSI) and the International Organization for the Development of Freedom of Education (OIDEL).

6. At its first meeting, the working group elected Ms. Lilia Bautista (Philippines) as Chairperson-Rapporteur.

7. The working group adopted the following agenda, on the basis of the provisional agenda (E/CN.4/1999/WG.17/1):

1. Election of officers.

2. Adoption of the agenda.

3. Implementation of Commission on Human Rights decision 1998/102, entitled "Effects of structural adjustment policies on the full enjoyment of human rights".

8. The following documents were before the working group:

Symbol	Title
E/CN.4/1999/WG.17/1	Provisional agenda
E/CN.4/1997/20	Report of the open-ended working group on structural adjustment programmes and economic, social and cultural rights on its first sessic
E/CN.4/1998/26	Note by the Secretariat (19 March 1998)

Other documents

Advance unedited version of the study by the independent expert on the effects of structural adjustment policies on the full enjoyment of human rights (future E/CN.4/1999/50);

Bangladesh Opening National SAPRIN (Structural Adjustment Participatory Review Initiative) Forum (draft)/20-22 October 1998;

Ecuador Opening National SAPRIN Forum (draft)/14-15 January 1999;

El Salvador Opening National SAPRIN Forum (draft)/27-28 August 1998;

Ghana Opening National SAPRIN Forum (draft)/10-12 November 1998;

Hungarian Opening National SAPRIN Forum/6-8 June 1998;

Ugandan Opening National SAPRIN Forum/18-19 June 1998.

9. In order to facilitate the work of the working group, the Chairperson-Rapporteur suggested, and it was agreed, that the working document be the advance unedited version of the study by the independent expert, Dr. Fantu Cheru, on the effects of structural adjustment policies on the full enjoyment of human rights (future E/CN.4/1999/50).

I. GENERAL DISCUSSION

10. At the 1st meeting, on 1 March 1999, the Chairperson-Rapporteur noted that the Commission on Human Rights, in decision 1998/102, had mandated the working group "to consider the report of the independent expert and the comments received thereon". Due to time constraints and circumstances beyond the control of the secretariat, it had not been possible for the report to be circulated for comments by the intended parties as required by Commission decision 1997/103. The participants therefore agreed that more time was needed in order for the working group to consider the report and the comments that might be received thereon, particularly from the World Bank and the IMF.

11. At the 2nd meeting, the independent expert introduced his report outlining that:

(a) Structural adjustment programmes (SAPs) have had two distinct impacts: at the economic level, they have led to a significant erosion of the living standards of the poor and investment in the productive sectors of many countries has dwindled while at the political level, large numbers of countries have ceded their right to determine their country's development independently;

(b) Whereas in the first phase (1980-1988) adjustment was linked to the management of the debt crisis, in the post-1990 political environment, adjustment has become a vehicle to complete the global economic

counter-revolution set in motion in the 1980s at the initiative of the United States of America, primarily to make the world safe for transnational corporations through deregulation, liberalization, and reducing the role of the State in national development. For the majority of indebted poor countries, globalization has instead pushed them to the margins of the world economy.

12. After having listened to the independent expert's presentation, participants made a number of preliminary comments and expressed certain concerns. They thanked Dr. Cheru for his report which they acknowledged to be comprehensive and useful. Several participants agreed with the concerns expressed in the report, made suggestions to further strengthen some of its chapters and asked for clarifications on certain elements contained therein. The independent expert provided substantive comments and responded satisfactorily to the questions posed. He also agreed to provide more detailed information at a later stage.

13. Several participants expressed concern about the focus of the report on the experiences of African countries and noted that the experiences and peculiarities of Latin America, Asia and Eastern Europe should also be taken into account. The report should be more representative of the patterns and problems in different regions of the world.

II. RECOMMENDATIONS

14. Bearing in mind paragraph 10 above and given the urgent need to foster closer cooperation between Governments, United Nations bodies and other international organizations, international financial institutions, in particular the World Bank and the IMF, and non-governmental organizations on an issue of critical importance to developing countries, particularly least developed and heavily indebted poor countries, the participants agreed to recommend to the Commission on Human Rights:

(a) To request the Secretary-General to circulate the study to Governments, United Nations bodies, in particular the regional commissions, the specialized agencies, intergovernmental organizations, non-governmental organizations, particularly those involved in development, and academic institutions and organizations representing disadvantaged and vulnerable groups, and to invite them to submit their comments thereon to the working group at its next session;

(b) To extend the mandate of the independent expert by requesting him to: (i) assist the working group in the fulfilment of its mandate, in particular by elaborating draft basic policy guidelines on SAPs; and (ii) monitor new developments, including actions and initiatives being taken by international financial institutions, other United Nations bodies, intergovernmental and non-governmental organizations with respect to structural adjustment policies and human rights, and to submit a revised report to the working group at its third session;

(c) To request the Economic and Social Council to authorize the open-ended working group to meet for two weeks well in advance of, but at least four weeks prior to, the fifty-sixth session of the Commission with the mandate to: (i) consider the updated report of the independent expert and comments received thereon; (ii) elaborate basic policy guidelines on structural adjustment programmes and economic, social and cultural rights which could serve as a basis for a continued dialogue between human rights bodies and the international financial institutions; and (iii) report to the Commission at its fifty-sixth session.